

## TOWN OF BLUE MOUNDS ORDINANCE NO. 4

### Relating to Construction of Private Driveways And Imposing Forfeitures

The Town Board of the Town of Blue Mounds, Dane County, Wisconsin, ordains as follows:

Section A. Ordinance: Driveways of the Code of Ordinances of the Town of Blue Mounds adopted April 16, 2007, is hereby created to read:

#### Ordinance No. 4 Construction of Private Driveways

The following regulations apply to construction or modification of private driveways located on lands in the Town of Blue Mounds, which private driveways provide access to buildings originally constructed or substantially modified after the effective date of this ordinance.

##### (1) Approval Required

a. In this ordinance, the term “driveway” is defined as a private driveway, road, field road, or other traveled way giving access from a public highway to one or more buildings located or to be constructed on adjacent lands.

b. No person shall establish, construct, improve or rework a driveway which changes the existing topography of the land without first obtaining a Driveway Permit from the Town Board of Supervisors. Re-gravelling of previously constructed driveways does not constitute a change in the existing topography of the land. Application forms and information should be obtained from the Town Clerk. Prior to consideration of the application by the Town Board, the applicant shall submit to the Town Clerk a driveway construction plan which shall accurately describe the location of the proposed driveway and the specifications required by Section (2) of this ordinance for the driveway’s construction.

c. Any proposed driveway construction or modification shall be accompanied by an erosion control plan presented to the Town Board prior to the issuance of a Driveway Permit. An erosion control plan shall include the driveway owner’s intentions and time table to re-seed, mulch, ditch, place culverts, and carry out other erosion control measures, all of which shall be completed within 90 days after beginning driveway construction or modification. If an engineer’s plan of the driveway is prepared according to the requirements of Section (3) of this ordinance, an erosion control plan shall specify only those measures which are not mentioned or required in the engineer’s plan. **NOTE: Dane County Land and Water Resources Department also has erosion control plan requirements which must be met prior to issuance of their permits. Information on these requirements will be issued to potential driveway permit applicants.**

d. No building permit for new residential construction will be issued until the driveway is constructed according to the specifications of this ordinance. The only exception will be the final application of gravel which may occur after heavy equipment needed for building activities will no longer be using the driveway.

e. With the approval of the Town Board, the driveway permit may be issued to allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.

**f. A non-refundable \$300 fee must be submitted with each driveway application.**

(2) Specifications for the Construction of Driveways

a. No land with a grade of more than 25 percent shall be disturbed for the construction, establishment, reworking or improvement of a driveway.

b. An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a grade of more than 20 percent and less than or equal to 25 percent.

c. Single residence driveways shall be constructed with a minimum roadway of **12 ft** in width and a minimum shoulder of 3 feet on each side having a slope of 1 foot of vertical rise for 6 feet of horizontal distance. Please refer to the Typical Driveway Section shown on the attached Exhibit "A" for further information. **NOTE: Driveways used by more than one residence either initially or later modified to more than one residence would be required to be constructed with a minimum roadway of 18 ft in width.**

d. Each driveway shall have a culvert at the ditch line where the driveway meets the public road, unless a special permission is obtained from the Town Board. The culvert shall be at least 18 inches in diameter.

e. A driveway which is at least 24 feet in length shall have a maximum 5 percent grade at the point where the driveway enters onto a public road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing onto the public road.

f. Ditches, roadway crowning and culverts which provide acceptable drainage are required.

g. The driveway's side banks shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board.

h. Curves in the driveway shall have an inside radius of not less than 36 feet.

- i. Maximum grade of the entire driveway or any given segment of the driveway shall not exceed 13 percent.
- j. Side banks shall be seeded promptly to control erosion.
- k. Once the construction of the driveway has begun, all specified erosion control measures, including retaining walls, ditching, culverts, crowning, mulching and matting shall be completed within 90 days.
- l. The driveway must have at least 6 inches of 2 inch rock on the roadbed covered with 2 inches of  $\frac{3}{4}$  inch gravel.
- m. All costs of construction of said driveway, including the cost of the culverts and engineer's plan, if required, shall be paid by the property owner requesting the permit.
- n. An area of 18 feet in width and 18 feet in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard.
- o. The driveway must have an in-back out with a radius of at least a 90 degree or a 50 foot turning radius.
- p. The driveway must have a turning radius at the place where it intersects with a public road of at least 20 feet and an unobstructed view at that place. PER APPENDIX B.
- q. Joint driveways will not be permitted without prior review and specific approval by the Town Board of the Joint Driveway Agreement establishing the proposed joint driveway and the manner of its construction, maintenance, and use.

*NOTE: the following clause was inserted as an Amendment to Ordinance 4, adopted on September 14, 2009...*

- r. The Town of Blue Mounds has no restrictions on the length of private driveways.

### (3) Requirements for an Engineer's Plan

- a. The Town Board may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin (hereinafter "an engineer's plan") prior to the construction or the modification of any proposed driveway. An engineer's plan is required:
  - 1. for a driveway or segment of a driveway whose construction requires the disturbance of the land with a slope of 20 percent or more and less than or equal to 25 percent;

2. for a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measure as determined by the Town Board or its authorized representative; or

3. When the Town Board requests a plan for reasonable cause.

b. The engineer's plan will include the following:

1. The precise location of the driveway or segment(s) of the driveway which require(s) an engineer's plan.

2. Grade of the driveway showing no segment exceeding 13 percent.

3. Location and structure of any retaining walls.

4. Location and size of any culverts.

5. Cross section of the driveway.

6. Mulching, matting, or other erosion control measures.

c. When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Town Board, a Town Driveway Permit is issued and, when applicable, any necessary approvals are obtained from Dane County or the State of Wisconsin. (Wis. Stats. Section 86.07)

d. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

#### (4) Existing Driveways and Field Roads

When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road, the Town Board shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct such condition(s) within 30 days after notice by the Town Board shall be subject to the penalties of this ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazard as provided in Wis. Stats. Section 66.60(16).

#### (5) Penalties

a. Should a driveway be constructed or modified in a way which violated the provisions of this ordinance, the owner(s) of the land through which the driveway passed shall pay a fine equal to 3 times the fee chargeable for the permit application, whether or not that fee has been paid. The owner(s) of the land shall also make the corrections indicated by the Town Board within a reasonable period of time determined by the Town Board.

b. If the owner(s) of the land through which the driveway passes do(es) not make the required corrections within the time specified, the town Board shall determine the cost of correcting violations of the provisions of this ordinance including when necessary the

return of disturbed land to its original condition. That cost shall be paid to the Town by the owner(s) of the property through which the driveway passes, as provided in Wis. Stats. Section 66.60(16).

Section B. This ordinance shall take effect upon passage and notification. **The ordinance replaces Ordinance No. 2, December 7, 1992, which becomes null and void upon passage of this said Ordinance No. 4.** The Town Clerk is ordered to publish a copy of this ordinance in a newspaper generally circulated in the Town of Blue Mounds.

Adopted this 16 day of April, 2007.

TOWN OF BLUE MOUNDS

---

Dennis Jelle, Chairman

---

Al Antonson, Supervisor

---

Joel Meylor, Supervisor